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WALKER DIGITAL
FIVE HIGH RIDGE PARK
STAMFORD, CT 06905

EXAMINER

YOUNG, JOHN L

ART UNIT	PAPER NUMBER
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3622

DATE MAILED: 09/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/535,790

Applicant(s)
O'Shea et al.

Examiner
John Young

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 29, 2000
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-167 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-167 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 2 6) ☐ Other:

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FIRST ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. Claims 1-167 are rejected under 35 U.S.C. §103(a) as being obvious over Christensen US 5,710,886 (Jan. 20, 1998) (herein referred to as "Christensen") in view of Kanter US 5,357,314 (Jul. 16, 1996) (herein referred to as ("Kanter").

As per independent claim 1, Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claim 1.

Christensen lacks an explicit recitation of the "variation condition" elements and limitations of claim 1, even though Christensen suggests same.

Kanter (the ABSTRACT; FIG. 1; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; col. 17, ll. 1-44; col. 18, ll. 7-67; col. 19, ll. 1-67; col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 2-67; col. 24, ll. 1-67; col. 25, ll. 1-67; col. 26, ll. 1-67; col. 27, ll. 1-67; and col. 28, ll. 1-67) shows elements that suggest the "variation condition" elements and limitations of claim 1.

Kanter proposes "variation condition" modifications that would have applied to the system of Christensen. It would have been obvious to a person of ordinary skill in the

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art the time of the invention that the teaching of Kanter would have been combined with the system of Christensen because such combination would have provided means for “*a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .*” (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means “*to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.*” (see Christensen (col. 4, ll. 40-60)).

As per claims 2-47, Christensen in view of Kanter shows the method of claim 1 and the methods of subsequent claims depending from claim 1. (See the rejection of claim 1 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 2-47.

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Christensen lacks explicit recitation of the elements and limitations of claims 2-47, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 2-47 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.”* (see Christensen (col. 4, ll. 40-60)).

Independent claim 48 is rejected for substantially the same reasons as independent claim 1.

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As per claims 49-57, Christensen in view of Kanter shows the method of claim 48 and the methods of subsequent claims depending from claim 48. (See the rejection of claim 48 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 49-57.

Christensen lacks explicit recitation of the elements and limitations of claims 49-57, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 49-57 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further*

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object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.” (see Christensen (col. 4, ll. 40-60)).

Independent claim 58 is rejected for substantially the same reasons as independent claim 48.

As per claims 59-74, Christensen in view of Kanter shows the method of claim 58 and the methods of subsequent claims depending from claim 58. (See the rejection of claim 58 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 59-74.

Christensen lacks explicit recitation of the elements and limitations of claims 59-74, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 59-74 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages

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would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.”* (see Christensen (col. 4, ll. 40-60)).

As per independent claim 75, Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claim 75.

Christensen lacks an explicit recitation of the “variable benefit” and redemption elements and limitations of claim 75, even though Christensen suggests same.

Kanter (the ABSTRACT; FIG. 1; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-

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65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; col. 17, ll. 1-44; col. 18, ll. 7-67; col. 19, ll. 1-67; col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 2-67; col. 24, ll. 1-67; col. 25, ll. 1-67; col. 26, ll. 1-67; col. 27, ll. 1-67; and col. 28, ll. 1-67) shows elements that suggest the “variable benefit” and redemption elements and limitations of claim 75.

Kanter proposes “variable benefit” and redemption modifications that would have applied to the system of Christensen. It would have been obvious to a person of ordinary skill in the art the time of the invention that the teaching of Kanter would have been combined with the system of Christensen because such combination would have provided means for “*a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .*” (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means “*to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.*” (see Christensen (col. 4, ll. 40-60)).

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As per independent claim 76, Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claim 76.

Christensen lacks an explicit recitation of the “crediting a financial account” elements and limitations of claim 76, even though Christensen suggests same.

Kanter (the ABSTRACT; FIG. 1; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; col. 17, ll. 1-44; col. 18, ll. 7-67; col. 19, ll. 1-67; col. 20, ll. 1-67; col. 21, ll. 1-67; col. 22, ll. 1-67; col. 23, ll. 2-67; col. 24, ll. 1-67; col. 25, ll. 1-67; col. 26, ll. 1-67; col. 27, ll. 1-67; and col. 28, ll. 1-67) shows elements that suggest the “crediting a financial account” elements and limitations of claim 76.

Kanter proposes “crediting a financial account” and redemption modifications that would have applied to the system of Christensen. It would have been obvious to a person of ordinary skill in the art the time of the invention that the teaching of Kanter would have been combined with the system of Christensen because such combination would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply*

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on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .” (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means “*to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.*” (see Christensen (col. 4, ll. 40-60)).

Independent claim 77 is rejected for substantially the same reasons as independent claim 48.

Independent claim 78 is rejected for substantially the same reasons as independent claim 58.

Independent claim 79 is rejected for substantially the same reasons as independent claim 48.

As per claim 80, Christensen in view of Kanter shows the method of claim 79. (See the rejection of claim 79 supra).

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Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claim 80.

Christensen lacks explicit recitation of the elements and limitations of claim 80, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claim 80 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.”* (see Christensen (col. 4, ll. 40-60)).

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Independent claim 81 is rejected for substantially the same reasons as independent claim 79.

Independent claim 82 is rejected for substantially the same reasons as independent claim 77.

Independent claim 83 is rejected for substantially the same reasons as independent claim 78.

Independent claim 84 is rejected for substantially the same reasons as independent claim 81.

Independent claim 85 is rejected for substantially the same reasons as independent claim 48.

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Independent claims 86 & 87 are rejected for substantially the same reasons as independent claim 1.

Independent claim 88 is rejected for substantially the same reasons as independent claim 48.

As per claim 89, Christensen in view of Kanter shows the method of claim 88. (See the rejection of claim 88 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claim 89.

Christensen lacks explicit recitation of the elements and limitations of claim 89, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claim 89 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein*

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discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .” (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.”* (see Christensen (col. 4, ll. 40-60)).

Independent claim 90 is rejected for substantially the same reasons as independent claim 1.

Independent claim 91 is rejected for substantially the same reasons as independent claim 48.

Independent claims 92-96 are rejected for substantially the same reasons as independent claim 1.

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As per claims 97-106, Christensen in view of Kanter shows the method of claim 96 and the methods of subsequent claims depending from claim 96. (See the rejection of claim 96 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 97-106.

Christensen lacks explicit recitation of the elements and limitations of claims 97-106, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 97-106 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further*

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object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.” (see Christensen (col. 4, ll. 40-60)).

Independent claims 107-108 are rejected for substantially the same reasons as independent claim 58.

Independent claims 109-111 are rejected for substantially the same reasons as independent claim 75.

Independent claim 112 is rejected for substantially the same reasons as independent claim 48.

As per claims 113-124, Christensen in view of Kanter shows the method of claim 112 and the methods of subsequent claims depending from claim 112. (See the rejection of claim 112 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-

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67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 113-124.

Christensen lacks explicit recitation of the elements and limitations of claims 113-124, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 113-124 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.”* (see Christensen (col. 4, ll. 40-60)).

Independent claim 125 is rejected for substantially the same reasons as independent claim 48.

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As per claims 126-128, Christensen in view of Kanter shows the method of claim 125 and the methods of subsequent claims depending from claim 125. (See the rejection of claim 125 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 126-128.

Christensen lacks explicit recitation of the elements and limitations of claims 126-128, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 126-128 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further*

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object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.” (see Christensen (col. 4, ll. 40-60)).

Independent claim 129 is rejected for substantially the same reasons as independent claim 48.

Independent claim 130 is rejected for substantially the same reasons as independent claim 79.

Independent claim 131 is rejected for substantially the same reasons as independent claim 48.

As per claims 132-135, Christensen in view of Kanter shows the method of claim 131 and the methods of subsequent claims depending from claim 131. (See the rejection of claim 131 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-

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67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 132-135.

Christensen lacks explicit recitation of the elements and limitations of claims 132-135, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 132-135 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.”* (see Christensen (col. 4, ll. 40-60)).

Independent claims 136-138 are rejected for substantially the same reasons as independent claim 75.

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As per claims 139-143, Christensen in view of Kanter shows the method of claim 138 and the methods of subsequent claims depending from claim 138. (See the rejection of claim 138 supra).

Christensen (the ABSTRACT; FIG. 1 through FIG. 14; col. 1, ll. 13-65; col. 2, ll. 3-67; col. 3, ll. 4-57; col. 4, ll. 15-63; col. 5, ll. 29-67; col. 6, ll. 1-65; col. 7, ll. 67; col. 8, ll. 1-67; col. 9, ll. 1-65; col. 10, ll. 1-67; col. 11, ll. 4-65; col. 12, ll. 4-65; col. 13, ll. 18-67; col. 14, ll. 1-67; col. 15, ll. 1-67; col. 16, ll. 1-60; and col. 17, ll. 1-44) shows elements that suggest the elements and limitations of claims 139-143.

Christensen lacks explicit recitation of the elements and limitations of claims 139-143, even though Christensen suggests same.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 139-143 were well known and expected in the art by one of ordinary skill at the time of the invention because such concepts and the advantages would have provided means for *“a participant can join in a merchant’s multilevel selling campaign and/or incentive award program and redeem their earnings. . . . wherein discounts apply on calls placed to certain individuals by those that recruited the individuals. . . . To provide an incentive award program which can motivate participants to make referrals on behalf of the program. . . .”* (see Kanter (col. 13, ll. 13-20; col. 14, ll. 20-25; and col. 15, ll. 3-5)); and because such combination would have provided means *“to improve consumer response to coupon distribution campaigns. . . . It is a further*

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object of the present invention to provide more accurate data of which consumers redeem particular coupons in a coupon distribution campaign.” (see Christensen (col. 4, ll. 40-60)).

Independent claim 144 is rejected for substantially the same reasons as independent claim 48.

Independent claims 145-148 are rejected for substantially the same reasons as independent claim 1.

Independent claims 149-153 are rejected for substantially the same reasons as independent claim 48.

Independent claims 154-157 are rejected for substantially the same reasons as independent claim 75.

Independent claims 158-167 are rejected for substantially the same reasons as independent claim 58.

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CONCLUSION

3. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

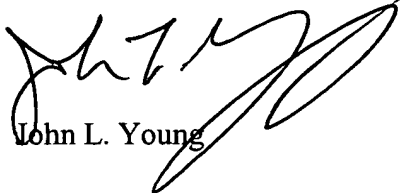
Serial Number: 09/535,790

(O'Shea et al.)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read "John L. Young", is written over the printed name.

John L. Young

Patent Examiner

(Partial Signatory Authority)

September 2, 2002